

Municipal Offices:
(810) 798-8528
(810) 798-3397 FAX
www.almontvillage.org

Village Manager:
Oliver K. Turner

Village Clerk/Treasurer
Kimberly J. Keesler

Village of Almont
Zoning Board of
Appeals
817 North Main Street
Almont, Michigan 48003

Members:
Martin Wells, P.C. Rep.
Dave Love, Council Rep.
Mike Flaherty, Member
Debbie Schumacher,
Alternate

REGULAR MEETING OF THE VILLAGE OF ALMONT
ZONING BOARD OF APPEALS
SEPTEMBER 12, 2013

The Regular Meeting of the Village of Almont Zoning Board of Appeals will be called to order on Thursday, September 12, 2013 at 7:00 p.m. in the Almont Municipal Building located at 817 N. Main, Almont, MI 48003.

CALL TO ORDER:

Chairperson Wells called the Regular Meeting to order at 7:07 p.m.

ROLL CALL:

Members Present:

Planning Commission Representative Martin Wells

Council Representative Dave Love

Member Mike Flaherty

Staff Present:

Village President Steve Schneider

Village Manager Oliver Turner

Clerk/Treasurer Kimberly Keesler

Guests Present:

Matt Hennessey, Owner, 236 Jonathon

William and Valerie Hawk, Owners, 703 N. Main

Paula Alfonsi, Owner, 714 N. Main

Kim Hudson, Owner, 722 N. Main

APPROVAL OF AGENDA:

Member Wells moved, Member Love seconded, **PASSED UNANIMOUSLY**, to approve the agenda.

APPROVAL OF MINUTES:

Member Wells moved, Member Love seconded, **PASSED UNANIMOUSLY**, to approve the Regular Meeting Minutes, June 13, 2013

PUBLIC HEARING:

Chairperson Wells opened the Public Hearing pertaining to a variance request submitted by Matt Hennessey of 236 Jonathon at 7:09 p.m.

1. Matt Hennessey - Variance Request

Discussion was held regarding the variance request made by Matt Hennessey from Ordinance No. 169.1, being the Almont Village Fence Ordinance, so that he may

construct a fence in their side yard that exceeds the maximum height of fences permitted in side yards located in single-family residential areas. Manager Turner explained the variance would be for height only since there is an existing non-conforming fence there currently.

Chairperson Wells closed the Public Hearing pertaining to a variance request submitted by Matt Hennessey of 236 Jonathon at 7:20 p.m.

Chairperson Wells opened the Public Hearing pertaining to two variance requests submitted by William and Valerie Hawk, owners of 703 N. Main at 7:21 p.m.

2. William & Valerie Hawk – Variance Requests

Discussion was held regarding the variances requested by William and Valerie Hawk from Section 15.03 of the Almont Village Zoning Ordinance (to eliminate requirements for required front yard setbacks at 703 N. Main) and Section 6.03.17 (to eliminate certain parking lot landscaping requirements for the property at 703 N. Main).

Discussion was also held about the fact that the property was rezoned from R-1 to C-2 in 2012 to promote commercial growth on the parcel and regarding the fact that the property is currently being assessed at a commercial rate and that the recently adopted master plan calls for the property to be used for commercial purposes.

Additionally, discussion was held about the unique shape and characteristics of the lot and the review from ROWE, which identified that the property would not be reasonably buildable under the current provisions of the zoning ordinance.

The Hawks stated they have a potential buyer, however, the purchase is contingent upon the two requested variances being approved.

Two people who own property near the discussed property stated they have no desire to see a restaurant there due to lighting, traffic, noise and smell.

Village Manager/Zoning Administrator Turner explained that noise buffering would be in the purview of the Planning Commission and not the Zoning Board of Appeals.

Chairperson Wells closed the Public Hearing pertaining to two variance requests submitted by William and Valerie Hawk, owners of 703 N. Main at 7:47 p.m.

NEW BUSINESS:

1. Matt Hennessey – Variance Request

Member Love moved, Member Wells seconded, **PASSED**, with Flaherty dissenting, to grant the variance on the replacement of the fence based upon the findings of fact included in the memo, which consist of the findings that:

- The proposed fence would not impede traffic visibility.

- The existing fence has not been reported to the Village as a traffic visibility impediment.
- Ordinance No. 169.1 was adopted with the stated intent to promote traffic visibility.
- The renovation of the fence would represent an improvement that would benefit the immediate and surrounding areas.

2. William & Valerie Hawk – Variance Request

Member Wells moved, Member Love seconded, **PASSED**, with Flaherty dissenting, to grant the requested variance from Section 15.03 of the Almont Village Zoning Ordinance to eliminate requirements for required front yard setbacks based upon discussion held and the findings of fact (with a condition that the variance support development as proposed in Option B, which would place any building further away from Howland and Closer to Van Dyke) included in the memo, which consist of the findings that:

- A strict adherence to the provisions of the zoning ordinance would prevent the property from being reasonably used for building, as noted by Mr. Doug Piggott in the e-mail dated August 21, 2013, thereby establishing a practical difficulty.
- Exceptional characteristics of property (including the 50' MDOT right-of-way and the size of the parcel) make compliance with the dimensional requirements of the ordinance substantially more difficult that would be the case for the great majority of properties in the same zoning district.
- The proposed variance, to the extent it would permit a generic building to be constructed on the property, would not be harmful to the character of the neighborhood.

Member Wells moved, Member Love seconded, **PASSED**, with Flaherty dissenting, to grant the requested variance from Section 6.03.17 of the Almont Village Zoning Ordinance to eliminate the parking lot landscaping requirements with the exception that a strip of 10' of landscaped area along the north edge of parcel line, based upon discussion held and the findings of fact outlined above.

OLD BUSINESS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

Member Flaherty moved, Member Love seconded, **PASSED UNANIMOUSLY**, to adjourn the meeting.

The meeting adjourned at 8:12 p.m.

September 12, 2013

Page **4** of **4**

Village of Almont Zoning Board of Appeals

Kimberly J. Keesler
Recording Secretary

Marty Wells
Planning Commission Representative

Approved: October 10, 2013